



# ALAMOGORDO POLICE DEPARTMENT

## MOTOR VEHICLE PURSUIT

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**CODIFIED: 4-6**

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### PURPOSE

The purpose of this regulation is to provide guidelines and delineate responsibilities governing pursuit of motor vehicles.

### DISCUSSION

The immediate apprehension of a violator is never more important than the safety of innocent motorists or the Officers themselves. When it becomes apparent that the immediate apprehension of a suspect is outweighed by a clear and unreasonable danger to the Officer and others, the pursuit should be abandoned. The decision to pursue is not irreversible. Those involved with the pursuit must continually question whether the seriousness of the crime justifies continuing the pursuit. The continued pursuit of suspects who have committed property crimes, traffic offenses or misdemeanors is not justifiable. The risks involved outweigh the need for immediate apprehension.

### POLICY

It is not the intent of this regulation to prohibit all motor vehicle pursuits; however, it is the intent to restrict motor vehicle pursuits to those situations and circumstances in which the immediate apprehension of the violator

outweighs the hazards generated to Officers, the public, or the occupant(s) of the vehicle being pursued.

### PROCEDURE

#### PURSUIT CRITERIA

**4-6-01** An Officer is justified to initiate a motor vehicle pursuit if he has reason to believe that the suspect has committed a serious offense involving an act of violence or the threat of serious injury or death, and has the apparent capability to carry out said act, i.e., armed robbery/attempted armed robbery, aggravated battery, firing into an occupied dwelling, murder, attempted murder or sexual battery.

The criminal offense of drug trafficking in New Mexico Statutes is considered a serious felony for which a pursuit may be initiated due to its potentially violent nature and consequences.

### RESTRICTED PURSUITS

**4-6-02**

A. Officers shall only pursue or assist in the pursuit of motor vehicles for property crime offenses, misdemeanor offenses, or traffic violations up to the point the vehicle or driver can be identified. If the vehicle or the driver can not be identified in a timely fashion, the pursuit will be terminated.

B. The period of time between observing a traffic violation and when the violator comes to a stop is the "apprehension phase" of the traffic stop. This is different from a pursuit. Although these two activities are worlds apart in importance, the speed and type of driving performed by the Officer are often similar. It is critical, therefore, that a reasonable limit on speed is maintained as traffic violators are stopped.

**C.** The "apprehension phase" of an attempted traffic stop becomes a pursuit whenever the violator knows that an Officer is signaling him to stop and continues driving or attempts to elude the Officer. If the violator has knowledge that he is being signaled to stop, and speeds up or does anything else to evade the Officer, it then becomes a pursuit. When the traffic stop becomes a pursuit it shall be discontinued following the procedures of this regulation.

## RESPONSIBILITIES

### 4-6-03 Officers-

**A.** Officers initiating a pursuit shall immediately advise communications that they are involved in a pursuit and give:

- Their location;
- Direction of travel and speed;
- Suspect and suspect vehicle description;
- The crime the suspect is believed to have committed.

**B.** When engaged in a pursuit, Officers shall activate full emergency equipment and will comply with all regulations concerning emergency vehicle operations.

**C.** Ramming, bumping, or intentionally colliding with a fleeing vehicle will be considered use of deadly force and is governed by the Use of Deadly Force regulation.

**D.** Shooting at or from a motor vehicle will be considered use of deadly force and is governed by the Use of Deadly Force regulation.

**E.** All Officers involved will immediately terminate and disengage from a motor vehicle pursuit when ordered to do so by the supervisor in charge.

**4-6-04 Dispatch Center-** The transmissions of the pursuit vehicle or its backup will take precedence over other transmissions and all other transmissions will be held until the pursuit is terminated.

Dispatch shall monitor the pursuit and provide communications assistance to those involved.

### 4-6-05 Supervisor -

**A.** The supervisor will take command of the pursuit and shall maintain command unless formally relieved.

**B.** The supervisor will solicit and consider the information available to him and advise the Officer who initiated the pursuit to continue or to disengage.

**C.** The Supervisor may authorize the use of tire-deflation devices as appropriate. These devices shall only be used by Officers trained in their use and only under the direct authorization of a supervisor.

**D.** The Supervisor may authorize the use of a stationary roadblock. The use of a roadblock in a pursuit constitutes the use of deadly force and is governed by the Use of Deadly Force regulation. Prior to erecting a roadblock, the supervisor should consider the safety of Officers; the risk of physical injury to the occupants of the pursued vehicle; and the protection of citizens and their property.

**E.** A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. All participating Officers must be aware of the roadblock and persons will not be allowed to remain in blocked vehicles. An avenue of escape shall be provided at a roadblock.

## DECISION TO INITIATE OR DISCONTINUE

### 4-6-06

**A.** Before initiating a pursuit, Officers shall evaluate the circumstances and make the decision to pursue in accordance with this regulation.

**B.** Factors to be considered include, but are not limited to:

- Pedestrian and/or vehicular traffic;
- Location of pursuit;
- Weather conditions;
- Visibility;
- Road conditions;

- The type of unit being operated by the Officer at the time of pursuit;
- The nature and circumstances of the offense;
- The identification of the vehicle and/or occupant, as well as the appropriateness and probability of apprehension at a later date;
- Type of neighborhood such as residential or school zone;
- Manner in which the fleeing vehicle is being operated.

**C.** The initiating Officer and the authorizing supervisor shall continuously evaluate the circumstances, factors and conditions during the pursuit. Whenever one of these factors changes the decision to continue the pursuit shall be reevaluated.

**D.** Officers will not participate in a pursuit when they have non-commissioned personnel as passengers or a person in custody.

#### **TERMINATING THE PURSUIT**

##### **4-6-07**

**A.** When there is a clear and unreasonable danger to the Officer or other users of the highway, the pursuit shall not be initiated. If the pursuit is in progress it shall be discontinued.

**B.** The initiating Officer or the authorizing Supervisor is justified in terminating the pursuit if, based on his judgement, the danger to Officers and the public outweighs the need to stop the fleeing vehicle.

**C.** When an Officer discontinues a pursuit he shall immediately notify Dispatch.

**D.** Once a pursuit has been terminated, Officers shall deactivate all emergency equipment and resume driving in compliance with all applicable traffic laws. Officers may continue following the suspect vehicle route as long as they do so within the speed limit and obey all stop signs, traffic lights and other traffic control devices.

#### **CONDUCTING THE PURSUIT**

**4-6-08** Only two Department vehicles are authorized to actively pursue; the primary vehicle and the backup/secondary vehicle. Caravanning is prohibited.

##### **A. Primary Unit-**

1. The primary pursuit vehicle will handle all initial communications relating to direction of travel, suspects, descriptions and all matters relating to the actual pursuit. This shall not restrict the supervisor from giving instructions or other information directly to either the primary vehicle, the backup/secondary vehicle, or the Dispatch Center.
2. The primary unit shall not be passed during the pursuit unless authorized by the primary pursuit Officer and/or the supervisor in charge.
3. Unmarked units will not engage in a pursuit either as primary or secondary units.

**B. Secondary Unit-** The secondary unit is authorized to pursue at a safe distance for back-up purposes. The secondary unit will be responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. By handling these communication responsibilities, the primary unit can focus attention on the pursuit driving.

**C. Support Unit Personnel-** Officers not directly involved in the pursuit that are responding and being coordinated as additional support will drive their vehicles in a safe and prudent manner.

Support units may be assigned active roles including but not limited to, paralleling the pursuit, being assigned to potential termination locations, and transferring equipment or personnel.

#### **OTHER AGENCY ASSISTANCE**

##### **4-6-09**

**A.** If the vehicle being pursued leaves Alamogordo, the supervisor in charge shall request assistance from that agency having jurisdiction.

**B.** Supervisors may authorize assistance to other agencies conducting vehicle pursuits;

however, the pursuit of vehicles fleeing from other agencies shall not be authorized unless it meets the criteria established in this regulation.

**C.** The agency initiating the pursuit is responsible for the arrest, booking, disposition and coordination of all reports, citations and criminal charges.

#### **TRAINING**

**4-6-10** No Officer shall participate in a pursuit until successfully completing an approved Emergency Vehicle Operations Course (EVOC).

#### **REPORTS**

**4-6-11** A Department approved pursuit form will be completed on all pursuits (including assistance to other agencies) and forwarded through the chain of command for review.